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APPLICATION NO. FILING D.		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,550		04/26/2001	Raymond S. Bamford	ENSY-004	9238
22862	7590	07/28/2005		EXAMINER	
	PATENT		WOO, RICHARD SUKYOON		
3475 EDISON WAY, SUITE L MENLO PARK, CA 94025				ART UNIT	PAPER NUMBER
				3639	
			,	DATE MAILED: 07/28/2005	5

Please find below and/or attached an Office communication concerning this application or proceeding.

•		Application No.	Applicant(s)					
		09/843,550	BAMFORD ET AL.					
	Office Action Summary	Examiner	Art Unit					
	·	Richard Woo	3639					
· .	The MAILING DATE of this communication a							
Period fe	Period for Reply							
THE - Exte after - If th - If NO - Failt Any	IORTENED STATUTORY PERIOD FOR REF MAILING DATE OF THIS COMMUNICATION resions of time may be available under the provisions of 37 CFR r SIX (6) MONTHS from the mailing date of this communication. e period for reply specified above is less than thirty (30) days, a reperiod for reply is specified above, the maximum statutory perior to reply within the set or extended period for reply will, by stareply received by the Office later than three months after the material patent term adjustment. See 37 CFR 1.704(b).	N. 1.136(a). In no event, however, may a reply within the statutory minimum of this od will apply and will expire SIX (6) MOI tute, cause the application to become A	reply be timely filed  rty (30) days will be considered timely.  NTHS from the mailing date of this communication.  BANDONED (35 U.S.C. § 133).					
Status								
1)🖂	Responsive to communication(s) filed on 18	3 May 2005.						
2a)□	This action is <b>FINAL</b> . 2b) This action is non-final.							
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Disposit	tion of Claims							
4)⊠	Claim(s) <u>1-25</u> is/are pending in the application.							
	4a) Of the above claim(s) is/are withdrawn from consideration.							
5)□	Claim(s) is/are allowed.							
·	Claim(s) <u>1-25</u> is/are rejected.							
· —	Claim(s) is/are objected to.							
8)[	Claim(s) are subject to restriction and	d/or election requirement.						
Applicat	tion Papers							
9)☐ The specification is objected to by the Examiner.								
10)	10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
•	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
44	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11)[	The oath or declaration is objected to by the	Examiner. Note the attache	d Office Action or form PTO-152.					
Priority	under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).								
a	a) All b) Some * c) None of:							
1. Certified copies of the priority documents have been received.								
	2. Certified copies of the priority documents have been received in Application No							
	3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.								
	See the attached detailed Office action for a f	ist of the certified copies no	. received.					
Attachme	nt(s)							
	ce of References Cited (PTO-892)		Summary (PTO-413)					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  Notice of Informal Patent Application (PTO-152)								
	er No(s)/Mail Date	6) 🔲 Other:						

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#### **DETAILED ACTION**

## Response to Arguments

1) Applicant's amendments filed on May 18, 2005 have been entered.

2) Applicant's arguments filed on May 18, 2005, with respect to rejection of Claims 1-8 and 17-24 under 35 U.S.C. 101 have been fully considered but they are not persuasive.

Regarding Claim 1, although Claims 1-8 are directed to a computer-implemented method (only in preamble of Claims), there is no significant claim recitation of the data processing system (database, processor, etc.) or calculating computing device in the Claim Body so as to show that the claimed method steps are electronically manipulated by the data processing system, not by human interventions.

Regarding Claim 17, the computer program itself cannot be directed to a practical application of the invention in the useful art to accomplish a concrete, useful, and tangible result. When the computer program is actually executed by the computer, the claimed subject matter produces a useful, concrete and tangible result. The applicant is encouraged to include the above cited language in the preamble of the Claim 17.

- 3) Applicant's arguments, filed May 18, 2005, with respect to rejections under 35 U.S.C. 112 and 102 have been fully considered and are persuasive. The rejections of all corresponding Claims has been withdrawn.
- 4) The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

## Claim Rejections - 35 USC § 101

5) Claims 1-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

See Supra Response to Arguments.

#### Claim Rejections - 35 USC § 102

5) Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al. (US 6,754,646).

As for Claim 1, Walker et al. discloses a method comprising:

receiving the order (see Figs. 1B, 10B, 26A, 26B);

determining whether title to the goods passes directly from the manufacturer to the buyer or through an intermediate e-market place (col. 20, lines 30-64);

displaying a price of the goods to the buyer based at least partially on the determining step (see Fig. 20 for displaying the price of the goods).

As for Claim 2, Walker et al. further discloses the method, wherein a first pricing regime is implemented when it is determined that title to the goods passes directly from the manufacturer to the buyer (This is inherently true for all the direct transactions between the buyer and manufacturers. Otherwise, the manufacturer will commit fraud by not delivering the title to the buyer who paid for the goods. See Supra Figs. 10B, 26A, B).

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As for Claim 3, Walker et al. further discloses the method, wherein when it is determined that title passes through an intermediate e-market place, the method further includes determining whether to implement the first pricing regime or a second pricing regime (see Supra column and col. 36, lines 7-19; col. 37, lines 15-30).

As for Claim 4, Walker et al. further discloses the method including the step of determining whether to discount a price (see Id.).

As for Claim 5, Walker et al. further discloses the method, wherein a discount is determined based on volume of a current order (see Supra column 37).

As for Claim 6, Walker et al. further discloses the method, wherein a discount is determined based on: a stocking/handling charge (the buyer's address or location is pertinent to this, see col. 37, lines 5-30).

As for Claim 7, Walker et al. further discloses the method including the step of determining whether to customize the price (see Supra columns for customizing the price for a specific customer).

As for Claim 8, Walker et al. further discloses the method, wherein the price is customized based on: geographic region, customer information, product line information, manufacturer information (see Supra column 37).

As Claim 9, Walker et al. discloses a computer having logic programmable to execute method acts, method acts comprising:

receiving the order (see Figs. 1B, 10B, 26A, 26B);

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determining whether title to the goods passes directly from the manufacturer to the buyer or through an intermediate e-market place (col. 20, lines 30-64);

displaying a price of the goods to the buyer based at least partially on the determining step (see Fig. 20 for displaying the price of the goods).

As for Claim 10, Walker et al. further discloses the logic, wherein a first pricing regime is implemented when it is determined that title to the goods passes directly from the manufacturer to the buyer (This is inherently true for all the direct transactions between the buyer and manufacturers. Otherwise, the manufacturer will commit fraud by not delivering the title to the buyer who paid for the goods. See Supra Figs. 10B, 26A, B).

As for Claim 11, Walker et al. further discloses the computer, wherein when it is determined that title passes through an intermediate e-market place, the method further includes determining whether to implement the first pricing regime or a second pricing regime (see Supra column and col. 36, lines 7-19; col. 37, lines 15-30).

As for Claim 12, Walker et al. further discloses the logic programmable to determine whether to discount a price (see ld.).

As for Claim 13, Walker et al. further discloses the logic, wherein a discount is determined based on volume of a current order (see Supra column 37).

As for Claim 14, Walker et al. further discloses the logic, wherein a discount is determined based on: a stocking/handling charge (the buyer's address or location is pertinent to this, see col. 37, lines 5-30).

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As for Claim 15, Walker et al. further discloses the logic programmable to determine whether to customize the price (see Supra columns for customizing the price for a specific customer).

As for Claim 16, Walker et al. further discloses the logic, wherein the price is customized based on: geographic region, customer information, product line information, manufacturer information (see Supra column 37).

As for Claim 17, Walker et al. discloses a computer program product comprising: computer readable code means for receiving the order (see Figs. 1B, 10B, 26A, 26B);

computer readable code means for determining whether title to the goods passes directly from the manufacturer to the buyer or through an intermediate e-market place (col. 20, lines 30-64);

computer readable code means for displaying a price of the goods to the buyer based at least partially on the determining step (see Fig. 20 for displaying the price of the goods).

As for Claim 18, Walker et al. further discloses the computer program product, wherein a first pricing regime is implemented when it is determined that title to the goods passes directly from the manufacturer to the buyer (This is inherently true for all the direct transactions between the buyer and manufacturers. Otherwise, the

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manufacturer will commit fraud by not delivering the title to the buyer who paid for the goods. See Supra Figs. 10B, 26A, B).

As for Claim 19, Walker et al. further discloses the computer program product, wherein when it is determined that title passes through an intermediate e-market place, the method further includes determining whether to implement the first pricing regime or a second pricing regime (see Supra column and col. 36, lines 7-19; col. 37, lines 15-30).

As for Claim 20, Walker et al. further discloses the computer program product including the computer readable code means for determining whether to discount a price (see Id.).

As for Claim 21, Walker et al. further discloses the computer program product, wherein a discount is determined based on volume of a current order (see Supra column 37).

As for Claim 22, Walker et al. further discloses the computer program product, wherein a discount is determined based on: a stocking/handling charge (the buyer's address or location is pertinent to this, see col. 37, lines 5-30).

As for Claim 23, Walker et al. further discloses the computer program product including the computer readable code means for determining whether to customize the price (see Supra columns for customizing the price for a specific customer).

As for Claim 24, Walker et al. further discloses the computer program product, wherein the price is customized based on: geographic region, customer information, product line information, manufacturer information (see Supra column 37).

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As for Claim 25, Walker et al. discloses a data processing machine programmed to perform operations, the operations comprising:

receiving the request for quote (see Figs. 1B, 10B, 26A, 26B);

determining whether title to the goods passes directly from the manufacturer to the buyer or through an intermediate e-market place (col. 20, lines 30-64);

transmitting an electronic message representing a price of the goods to the buyer based at least partially on the determining step (see Fig. 20 for displaying the price of the goods).

#### Conclusion

7) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2005/0010494 is cited to show online shopping system that shows a realistic assessment of prices by comparing prices among retailers against a Reference Price.

US 6,292,786 is cited to show a method for use in marketing includes receiving at a remote location through the Internet, substantially real-time product purchase information from a retail store in conjunction with an identification code of a customer purchasing the parts at a POS.

US 5,873,069 is cited to show a system and method for automatic updating and displaying the retail prices, including a pricing function for pricing and re-pricing products responsive to market prices changes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Woo whose telephone number is 571-272-6813. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard Woo

Patent Examiner

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July 20, 2005

JOHN W. HAYES